

# Agenda

**REVISED**



## Tempe City Council

Agendas available at [www.tempe.gov/clerk](http://www.tempe.gov/clerk)

Watch live at [www.tempe.gov/tempe11](http://www.tempe.gov/tempe11)

Harry E. Mitchell Government Center

Municipal Building

Council Chambers

31 East Fifth Street

7:30 P.M.

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

**January 15, 2004**

1. **INVOCATION – Councilmember Arredondo**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES – Councilmember Copple**
  - A. Approval of Council Meeting Minutes
    1. Council Executive Session – December 4, 2003
    2. Joint City Council/ASU Senior Staff Meeting – November 24, 2003  
[20040115clrkck02.pdf](#)
    3. Council Cultural & Community Programs Committee – November 19, 2003  
[20040115ccp01.pdf](#)
    4. Council Finance & Diversity Issues Committee – December 16, 2003  
[20040115fdi01.pdf](#)
    5. Council Transit/Light Rail & Development Services Committee – November 18, 2003  
[20040115tlrds01.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    6. Board of Adjustment – November 24, 2003  
[20040115boa01.pdf](#)
    7. Golf Committee – November 5, 2003  
[20040115csmr01.pdf](#)
    8. Hearing Officer – January 6, 2004  
[20040115ho01.pdf](#)
    9. Historical Museum Advisory Board – October 2 & November 6, 2003  
[20040115csjc01.pdf](#) [20040115csjc02.pdf](#)
    10. Redevelopment Review Commission – August 5, September 2, & December 2, 2003  
[20040115rrc01.pdf](#) [20040115rrc02.pdf](#) [20040115rrc03.pdf](#)
4. **REPORTS AND ANNOUNCEMENTS**
  - A. Mayor's Announcements
    - COT Graduates Recognition

- B. Manager's Announcements
- **Earned Income Tax Credit Presentation**

5. **CONSENT AGENDA**

All items listed on the consent agenda will be considered as a group by the City Council and will be enacted with one motion. There will be no discussion of these items unless a Councilmember removes an item for consideration or a Citizen requests a public hearing item be removed. Public hearing items are designated by an asterisk (\*). Items scheduled for a first hearing will be heard but not adopted at this meeting.

**'q-j'** denotes an item as quasi-judicial. The City Council sits as a quasi-judicial body when hearing variances or use permits. Courts have ruled that when sitting as a quasi-judicial body, the Council must conduct itself as a court and not as a legislative body. This means any materials or conversations concerning the variance or use permit can only be presented to the Council at the public hearing scheduled for the Council meeting. Pre-meeting contact with the Council on quasi-judicial matters is prohibited.

A. Miscellaneous

11. Motion to set Executive Session for the City Council meeting of February 5, 2004, if needed, in the Harry E. Mitchell Government Center, Municipal Building, 3<sup>rd</sup> Floor Conference Room, 31 E. 5<sup>th</sup> Street.

**COMMENTS:** Agenda for Executive Session will be posted at least 24 hours prior to such meeting.

12. Request approval of the Report of Claims Paid to be Filed for Audit for the week of January 3, 2004.

**COMMENTS:** A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

13. Request by University Properties for a Final Subdivision Plat consisting of two lots located at 919 East Lemon Street.

**COMMENTS:** (Lawrence Kates, property owner) #SBD-2003.103 for an amended Final Subdivision Plat consisting of two (2) lots on 4.14 net acres.

**DOCUMENT NAME:** [20040115dsht04.pdf](#) **PLANNED DEVELOPMENT (0406)**

14. Request approval of a one-year contract extension with Ricker Atkinson McBee, Inc., Western Technologies, Inc. and Speedie and Associates for on-call materials testing services.

**DOCUMENT NAME:** [20040115PWDR01.pdf](#) **CONSTRUCTION-ENGINEERING ADMINISTRATION (0803)**

15. Request approval to increase the contract amount with Archon, Inc. in an amount not to exceed \$60,177 for the McClintock Drive Multi-use Path, University Drive to Rio Salado

Parkway.

**DOCUMENT NAME:** [20040115PWDR02.pdf](#) **STREET UPGRADING MAINT – CONSTRUCTION (0809-05) PROJECT NO. 68-966709**

16. Request approval of a twelve-month construction contract extension with Southwest Micro Surfacing, LLC, in an amount not to exceed \$983,000 for Local Street Renovation 2002-04 Slurry Seal Program.

**DOCUMENT NAME:** [20040115PWDR10.pdf](#) **STREET UPGRADING-MAINT- CONSTRUCTION (0809-05) PROJECT NO. 5400741**

17. Request approval of a professional services contract with Logan Simpson Design, Inc. in an amount not to exceed \$188,808, and a contingency amount of \$18,193, for design services and construction documents for Phase I of the Double Butte Cemetery Improvements.

**DOCUMENT NAME:** [20040115PWTG03.pdf](#) **DOUBLE BUTTE CEMETERY (0702) PROJECT NO. 5901351**

18. Request approval of a professional services contract with Black & Veatch Corporation in an amount not to exceed \$570,180 for construction management services for the Johnny G. Martinez Water Treatment Plant Disinfection Technology and Marigold Lane Improvements.

**DOCUMENT NAME:** [20040115PWTG04.pdf](#) **JOHNNY G. MARTINEZ WATER TREATMENT PLANT MAINTENANCE (0811-03) PROJECT NO. 3201092**

19. Request approval of an addendum to a professional service contract with Carollo Engineers in an amount not to exceed \$186,319 for the Johnny G. Martinez Water Treatment Plant 30-MGD Expansion.

**DOCUMENT NAME:** [20040115PWTG05.pdf](#) **JOHNNY G. MARTINEZ WATER TREATMENT PLANT MAINTENANCE (0811-03) PROJECT NO. 3201091**

20. Request approval of an addendum to a professional services contract with Dibble and Associates in an amount not to exceed \$39,470 for the Marigold Lane Pump Station.

**DOCUMENT NAME:** [20040115PWTG06.pdf](#) **WATERMAIN UPGRADES (0810-04) PROJECT NO. 32-966704A**

- \*21. This is a public hearing for the approval of an Original Series 12 Restaurant Liquor License for Mariscos Dos Palmas Mexican Food, 1805 E. Elliot Rd., #104-105.

**COMMENTS:** Alberto Mendoza, Agent

**DOCUMENT NAME:** [20040115LIQ2.pdf](#) **LIQ LIC (0210-02)**

- \*22. This is a public hearing for the approval of an Original Series 12 Restaurant Liquor License for Manuel Hernandez and Manuel Reyes Partnership, dba Casa Nova, 1807 E. Baseline Rd., #101.

COMMENTS: Manuel Hernandez, Agent.  
DOCUMENT NAME: [20040115LIQ3.pdf](#) LIQ LIC (0210-02)

- \*23. This is a public hearing for the approval of an Original Series 10 Beer and Wine Store Liquor License for Target Corporation, dba Target #319, 1818 E. Baseline Road.

COMMENTS: Robert Benton, Agent.  
DOCUMENT NAME: [20040115LIQ4.pdf](#) LIQ LIC (0210-02)

- \*24. This is a public hearing for the approval of an Original Series 10 Beer and Wine Store Liquor License for Jerry Stewart Enterprises Inc., dba Oasis Exxon, 7602 S. McClintock Drive.

COMMENTS: Gerald Stewart, Agent.  
DOCUMENT NAME: [20040115LIQ5.pdf](#) LIQ LIC (0210-02)

25. Request approval of a grant-funded Family Self-Sufficiency/Homeownership Specialist position.

DOCUMENT NAME: [20040115dslc01.pdf](#) POSITIONS AUTHORIZED (0302-01)

25a. Request certification of 2<sup>nd</sup> Quarter of FY 2003/04 Court Collections in accordance with Arizona Revised Statutes §12-116.04, as added by Laws 2003, Chapter 263.

DOCUMENT NAME: [20040115tmfs01.pdf](#) COURT ADMINISTRATION  
(0501-02)

B. Award of Bids

C. Ordinances and Items for Introduction

- q-j 26. Set public hearings for **February 5 and February 19, 2004** for an Amended General and Final Plan of Development, including a use permit and a variance, for Buggy Bath Car Wash located at 1836 East Elliot Road.

COMMENTS: (Joel T. Higginbotham, property owner, Desert Mountain Associates, applicant) #SGF-2004.01 for an Amended General Plan of Development for Capistrano Village Commercial Center consisting of 23,566 square feet on 5.00 net acres, and a Final Plan of Development for Buggy Bath Car Wash consisting of 5,320 square feet on 1.19 net acres, located at 1836 East Elliot Road, including the following:

Use Permit:

1. Allow a car wash business in the PCC-1 Zoning District.

Variance:

1. Reduce the required building setback from 40 feet to 24 feet along the west

side property line of Lot 3.

**DOCUMENT NAME:** [20040115dsht06.pdf](#) **PLANNED DEVELOPMENT (0406)**

D. Ordinances and Items for First Hearing – These items will have two public hearings before final Council action.

- \*27. This is the **first** public hearing for Nita's Hideaway to eliminate conditions of approval #15 and #16 (#SGF-2002.28), located at 3300 South Price Road.

**COMMENTS:** (Winslow Enterprises, LLP, MC Strauss Company, property owners; Mark Covert, business owner) **#SGF-2003.106** to amend a previous City Council approval by eliminating conditions #15 and #16:

Previous Conditions of Approval:

15. Applicant shall temporarily close the Malibu Drive entrance to the Michael's Plaza located near the Lola Drive alignment from 10:30 PM to 1:30 AM on Nita's Hideaway event evenings.
16. Applicant shall work with the Tempe Police Department regarding the temporary barricading of Malibu Drive at Price Road during the hours of 11:00 p.m. to 1:30 a.m. on Nita's event evenings, for so long as required by the Tempe Police and Transportation Departments or until no longer necessary to alleviate the potential for cut-through traffic onto Malibu Drive from Nita's patrons.

**DOCUMENT NAME:** [20040115dsht05.pdf](#) **PLANNED DEVELOPMENT (0406)**

- q-j \*28. This is the **first** public hearing for Boston's Bar and Grille for an Amended General and Final Plan of Development for Crossroads Plaza, including use permits and a tele-track wagering facility site permit, located at 1730 East Elliot Road.

**COMMENTS:** (McClintock and Elliot, LLC, property owner, M.P. & G. Beverage, Inc., Mauro Ramirez, business owner) **#SGF-2003.102** for an Amended General and Final Plan of Development for Crossroads Plaza for a change of ownership for an existing bar/restaurant consisting of 4,388 s.f. The total center includes 87,526 s.f. of building area on 8.5 acres in the PCC-1 Zoning District, located at 1730 East Elliot Road, including the following:

Use Permit:

1. Allow a bar/restaurant with live entertainment (including a DJ, karaoke and tele-track wagering facility)

This request includes the public hearing notification for the following:

Tele-track Wagering Facility Site Permit:

Applicant: American Greyhound Racing, Inc.  
3801 East Washington Street  
Phoenix, AZ 85034

**DOCUMENT NAME:** [20040115dssl03.pdf](#) **PLANNED DEVELOPMENT (0406)**

E. Ordinances and Items for Second Hearing/Final Adoption

- \*29. This is the **second** public hearing for City of Tempe, to amend Tempe City Code,

Chapter 11, Article 1, relating to Design Review by amending Section 11-6.

DOCUMENT NAME: [20040115dswk01.pdf](#) PLANNED DEVELOPMENT  
(0406) ORDINANCE NO. 2003.37

- \*30.** This is the **second** public hearing to authorize the Mayor to execute a Development and Disposition Agreement between the City of Tempe and Suncor Development Company.

DOCUMENT NAME: [20040115cacc01.pdf](#) RIO SALADO MASTER PLAN  
(0112-07-03) Ordinance No. 2003.39

- \*31.** This is the **second** public hearing to authorize issuing a Request for Proposal for hiring a property management and leasing company to manage and lease City of Tempe property acquired for the Light Rail Project, and authorize the lease of such property.

DOCUMENT NAME: [20040115casv01.pdf](#) TRANSPORTATION PLANNING (1101-01) Ordinance No. 2003.38

- q-j \*32.** This is the **second** public hearing for a Preliminary and Final PAD for five office buildings and a sign package for a business park located at 1851 West Rio Salado Parkway.

**COMMENTS:** (SunCor Development Company, property owners) **#RRC03051 #SPD-2003-96** for a Preliminary and Final PAD including site plan, landscape plan, and building elevations for five (5) one-story general office buildings (A, B, C, D, and E) consisting of 306,800 square feet on 25.44 net acres and a comprehensive sign plan, including the following:

Variances:

1. Increase the maximum allowed building height from 30 feet to 38 feet.
2. Reduce the required bicycle parking spaces by 50% (from 123 to 62).
3. Waive the building address on a freestanding monument sign located at Rio Salado Pkwy and Priest Drive, Sign "A" only.
4. To exceed the maximum allowable sign area for three (3) free standing signs from 24 square feet to 102 square feet.
5. To allow three (3) multi-tenant free standing business identification signs in the I-1 Zoning District.
6. Allow more than one (1) free standing sign on the same street frontage.

DOCUMENT NAME: [20040115dsht02.pdf](#) PLANNED DEVELOPMENT (0406)

#### F. Resolutions

- 33.** Request approval to accept a Target Law Enforcement Grant for the purchase of thumb locks for windows and electronic engravers.

DOCUMENT NAME: [20040115pdsr01.pdf](#) POLICE DEPARTMENT  
ADMINISTRATION (0606-02) Resolution 2004.04

**34.** *Request approval of a Resolution adopting Tempe General Plan 2030 ballot language.*

**DOCUMENT NAME:** [20040115cacc02.pdf](#) **LAND USE GENERAL PLAN**  
**(0401-01) Resolution No. 2004.05**

**6. NON-CONSENT AGENDA**

Public hearing items on the non-consent agenda are designated by an asterisk (\*).

**7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS**

**8. PUBLIC APPEARANCES**

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on the City Council agenda. Matters brought up by the public under public appearances that are not agendaized can not be discussed by the City Council. There is a five-minute limit per citizen. Speaker's visual aids or recorded audio tapes will not be allowed during formal meetings. Citizens attending Council meetings should refrain from making personal, impertinent and slanderous remarks or becoming boisterous while addressing the Council or while attending the Council meeting. Unauthorized remarks from the audience, stomping of feet, yelling and similar demonstrations are also not permitted. Violations of these rules may result in removal from the City Council meeting.

**SCHEDULED PUBLIC APPEARANCE**

- **Elizabeth Benable, 1216 W. University, Petitions re: Urban Camping**